

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

FIRST-CLASS MAIL AND PERIODICALS  
SERVICE STANDARD CHANGES, 2021

Docket No. N2021-1

**MOTION OF THE UNITED STATES POSTAL SERVICE TO  
BE EXCUSED FROM RESPONDING TO DOUGLAS F. CARLSON'S  
INTERROGATORY (DFC/USPS-T4-8(f))  
(May 7, 2021)**

The United States Postal Service ("Postal Service"), pursuant to 39 C.F.R. § 3020.105(b), respectfully moves to be excused from responding to Interrogatory DFC/USPS-T4-8(f).

**I. Statement of Facts**

On May 4, 2021, Douglas F. Carlson ("Mr. Carlson") issued Interrogatories and Requests for Production of Documents ("Discovery Request") to Postal Service witness Steven W. Monteith (USPS-T-4) ("Monteith").<sup>1</sup> A copy of Mr. Carlson's Discovery Requests is attached to the Motion as Attachment 1. The interrogatory at issue here pertains to a reference in witness Monteith's testimony regarding a survey conducted by the Office of Inspector General ("OIG"), which found that a majority of respondents expect their mail to take longer to arrive than existing service standards for First-Class Mail. The OIG survey reference came from a publicly available audit report that the OIG published

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<sup>1</sup> On May 6, 2021, Mr. Carlson filed a notice withdrawing all of his interrogatories to Witness Steven W. Monteith except for Interrogatory DFC/USPS-T4-8(f). Douglas F. Carlson Notice of Withdrawal of Certain Interrogatories and Requests for Production of Documents to the United States Postal Service, PRC Docket No. N2021-1 (May 6, 2021), at <https://www.prc.gov/docs/117/117245/Notice%20Withdrawal%20Interrogatories.pdf>.

on its website in February 2021.<sup>2</sup> Mr. Carlson propounded Interrogatory DFC/USPS-T4-8(f) (“T4-8(f)”), which states:

For the finding that 71 percent of respondents expected their sent mail to arrive within seven days, please provide all the information concerning this market research or survey that 39 C.F.R. § 3010.323 requires you to provide, including and not limited to the exact question, the exact answer choices, the percentage of respondents who selected each answer choice, and details about the survey sample and methodology. Please also provide the same information listed herein for any related questions in that survey about time to delivery and customers’ expectations thereof.

The information sought by Interrogatory T4-8(f) is not available to respondent Monteith as neither he nor the Postal Service conducted the survey. Witness Monteith merely took notice of this publicly available information.

For the reasons explained below, the Postal Service should be excused from answering Interrogatory T4-8(f). Notwithstanding, the Postal Service intends to respond to the interrogatory, but in doing so it does not intend to waive any right to further contest inquiry on this particular matter. The response to Interrogatory T4-8(f) is simple: Neither witness Monteith nor the Postal Service have information responsive to this interrogatory in their custody or control.

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<sup>2</sup> USPS OIG Audit Report: Peak Season Air Transportation (NO-20-215-R21), Feb. 25, 2021, p. 12 (<https://www.uspsoidg.gov/sites/default/files/document-library-files/2021/20-215-R21.pdf>).

## **II. Law and Argument**

### **A. Interrogatory T4-8(f) Seeks Information Not Available from Witness Monteith or the Postal Service**

The Postal Service should be excused from responding to Interrogatory T4-8(f) as it relates to the OIG survey because it seeks information that is not within witness Monteith's or the Postal Service's custody or control. The Commission's rule regarding the production of documents provides guidance as to the permissible scope of discovery. See 39 C.F.R. § 3020.118. Section 3020.118 limits document requests to those documents that are in the custody or control of the respondent. As written, Mr. Carlson's Interrogatory T4-8(f) seeks information from OIG, and that information is outside the custody or control of witness Monteith and the Postal Service.

### **B. Section 3010.323 Is Inapplicable Here**

Mr. Carlson seemingly alleges in his request that the requirements outlined in 39 C.F.R. § 3010.323 are applicable to the OIG survey and the Postal Service failed to comply. Mr. Carlson's expansive reading of Section 3010.323 appears to be at odds with the Commission's rules, which contemplate the use of public documents. The Postal Service did not conduct the survey cited in the OIG Report, and Monteith's Testimony accurately cites to the source of the statement. As a public document, the OIG Report and its content can be cited, and the Commission can take notice of it, and determine the appropriate weight to give it.

## **III. Conclusion**

For the forgoing reasons, the Postal Service requests that the Commission grant its motion to be excused from responding to Interrogatory T4-8(f). As indicated above,

the Postal Service intends to furnish a response to the interrogatory without waiving any right to further contest inquiry on this particular matter.

Respectfully submitted,

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May 7, 2021

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

First-Class Mail and Periodicals  
Service Standard Changes, 2021

Docket No. N2021-1

DOUGLAS F. CARLSON  
INTERROGATORIES AND REQUESTS FOR PRODUCTION  
OF DOCUMENTS TO UNITED STATES POSTAL SERVICE  
WITNESS STEVEN W. MONTEITH (DFC/USPS-T4-1-12)

May 4, 2021

Pursuant to 39 C.F.R. § 3010.311, I hereby submit interrogatories and requests for production of documents to United States Postal Service witness Steven W. Monteith.

If the witness is unable to provide a complete, responsive answer to a question, I request that the witness redirect the question to a witness who can provide a complete, responsive answer. In the alternative, I request that the question be redirected to the Postal Service for an institutional response.

The instructions contained in my interrogatories to witness Cintron (DFC/USPS-T1-1-15) are incorporated herein by reference.

Respectfully submitted,

Dated: May 4, 2021

DOUGLAS F. CARLSON

## ATTACHMENT ONE

**DFC/USPS-T4-1.** Please refer to your testimony at page 6, lines 8–12. Please provide the basis, including any studies, surveys, market research, focus groups, or other documents, in support of your contention that customer satisfaction may improve after the Postal Service slows delivery times as described in this docket.

**DFC/USPS-T4-2.** Please refer to your testimony at page 6, lines 8–12. Please provide examples in which a delivery company or postal service improved customer satisfaction by slowing delivery times.

**DFC/USPS-T4-3.** Please refer to your testimony at page 6, lines 13–22. Please identify changes that the Postal Service made to the proposal described in this docket as a result of feedback received during its “partnership” with customers.

**DFC/USPS-T4-4.** Please refer to your testimony at page 6, lines 13–22. Please describe how the Postal Service informed individual consumer mailers of the proposal described in this docket and how the Postal Service received and processed feedback from these mailers.

**DFC/USPS-T4-5.** Please refer to your testimony at page 7, lines 1–5. Please provide studies, surveys, market research, focus groups, or other documents that identify the relative importance of speed versus reliability in customer satisfaction for a delivery company or a postal service.

**DFC/USPS-T4-6.** Please describe, and provide any documents relating thereto, all customer feedback that the Postal Service has received that supports the proposal described in this docket to slow delivery of First-Class Mail.

**DFC/USPS-T4-7.** Please refer to your testimony at page 13, lines 7–9 and the market research cited in footnote 49 and that appears in Appendix 1.

- a. Please confirm that the market research indicates that four percent more people assigned importance to consistent delivery of mail when expected than to fast delivery. If you do not confirm, please explain and provide documentation.

## ATTACHMENT ONE

- b. Please confirm that the 51 percent of people who cited fast delivery of mail as important potentially could hold a stronger preference for fast delivery than the strength of the preference of the 55 percent of people who cited consistent delivery of mail when expected. If you do not confirm, please explain and provide documentation.
- c. Please confirm that potentially 51 percent of the respondents indicated that they want both consistent delivery of mail when expected and fast delivery. If you do not confirm, please explain and provide documentation.
- d. Suppose that, if given a choice, a majority of customers would prefer faster delivery to slower but more consistent delivery times. Please confirm that the findings of this market research do not disprove this supposition. If you do not confirm, please explain and provide documentation.
- e. Please provide all market research that you believe shows that customers prefer consistent or reliable delivery times over fast delivery times.
- f. Assuming that the respondents to the market research had logical and consistent preferences, please confirm that no data exists to disprove the possibility that, if these respondents had been asked their opinion of the proposal that is the subject of this docket, a majority would have disapproved of it. If you do not confirm, please explain.

**DFC/USPS-T4-8.** Please refer to your testimony at page 16, lines 16–17 and page 17, lines 1–2.

- a. Do you agree that the finding quoted in your testimony could be a result of customers not knowing the Postal Service’s service standards? If not, please explain.
- b. Do you agree that the finding quoted in your testimony could be a result of customers knowing that their mail should be delivered in, for example,

## ATTACHMENT ONE

- three days but that the mail often is delivered late, so they answered the question by stating the number of days by which their mail almost certainly will be delivered, even if late? If not, please explain.
- c. How would you expect a typical individual mailer to know the Postal Service's service standards?
  - d. If most customers already expect their mail to be delivered in seven days, please explain why the proposal described in this docket might increase customer satisfaction.
  - e. For this question, please assume that most customers expect their mail to be delivered in seven days. For mail for which a three-day service standard currently applies, please explain why, hypothetically, delivery of this mail 80 percent of the time in three days and 20 percent of the time in four days might cause less satisfaction compared to delivery 95 percent of the time in four days and five percent of the time in five days.
  - f. For the finding that 71 percent of respondents expected their sent mail to arrive within seven days, please provide all the information concerning this market research or survey that 39 C.F.R. § 3010.323 requires you to provide, including and not limited to the exact question, the exact answer choices, the percentage of respondents who selected each answer choice, and details about the survey sample and methodology. Please also provide the same information listed herein for any related questions in that survey about time to delivery and customers' expectations thereof.

**DFC/USPS-T4-9.** Please refer to your testimony at page 18, lines 5–11. Do you agree that the concept of reliability encompasses multiple factors in customers' minds, and slowing mail delivery while improving service performance might not cause customers to say that reliability has increased? If you do not agree, please explain and provide documentation.



## ATTACHMENT ONE

**DFC/USPS-T4-10.** Please explain whether the Postal Service's performance in meeting two-day service standards is as high as the Postal Service expected or predicted when it eliminated overnight delivery of single-piece First-Class Mail.

**DFC/USPS-T4-11.** Please refer to your testimony at pages 24–25. Please provide an example of the type of feedback from customers, including the general public, that might cause the Postal Service not to revise service standards to slow the delivery of First-Class Mail as proposed in this docket.

**DFC/USPS-T4-12.** Please provide all analyses, studies, market research, and other documents that do not support the conclusions in your testimony concerning the likely preferences or opinions of the general public regarding the proposal described in this docket.